

REMARKS

Attached hereto is a Petition and Fee for a Two-Month Extension of Time.

Claims 1 and 19 are pending in this application. This Amendment amends claim 1 and cancels claim 7 without prejudice or disclaimer. No new matter is added to amended claim 1. Claim 1 is amended to merely clarify the subject matter of the claim and in no way narrows the scope of the claim in order to overcome the prior art or for any other purpose of patentability.

Notwithstanding any claim amendments of the present Amendment or those amendments that may be made later during prosecution, Applicants' intent is to encompass equivalents of all claim elements. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Attached hereto is a marked up version of the changes made in the claims by the current Amendment. The attached page is captioned "**Version with markings to show changes made.**"

Claims 1, 7, and 9 stand rejected under 35 U.S.C. §101 as a double patenting rejection for claiming the same invention as that of claim 4 of prior U.S. Patent No. 6,447,134.

This rejection is respectfully traversed in view of the following discussion.

THE 35 U.S.C. §101 REJECTION

The Office Action rejects claim 1 under 35 U.S.C. §101 for claiming the same invention as that of claim 4 of prior U.S. Patent No. 6,447,134.

While Applicants respectfully submit that this rejection is erroneous, to speed prosecution Applicants point out that the conflicting claims are no longer coextensive in scope. In particular, claim 1 is amended in relevant part to add the phrase, "and the light source comprises an LED."

By this Amendment, claim 7 is canceled without prejudice or disclaimer; hence, the rejection of claim 7 is moot. Withdrawal of the rejection of claim 1, and claim 19, which depends on claim 1, is respectfully solicited.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1 and 19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 4/18/03

Peter G. Balnave
Peter A. Balnave
Reg. No. 46,199

McGinn & Gibb, P.C.
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please cancel claim 7 without prejudice or disclaimer.

Please amend claim 1 as follows:

1. (Twice Amended) A planar light emitting device comprising:
 - a transparent body having a transparent synthetic resin layer containing no light scattering material;
 - a semi-transparent body having a semi-transparent synthetic resin layer containing a light scattering material;
 - a diffusion layer, the transparent body and the semi-transparent body being joined to form the diffusion layer therebetween;
 - at least the transparent body, the semi-transparent body and the diffusion layer defining a planar light emitter; and
 - a light source disposed at least at one side of the planar light emitter[;],
 - wherein the diffusion layer includes a sea-islands structure, the sea-islands structure having a plurality of solid shapes, and the light source comprises a light-emitting diode (LED).